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Message Text

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ACTION NEA-10

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TO SECSTATE WASHDC NIACT IMMEDIATE 8616
INFO AMEMBASSY AMMAN
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMEMBASSY TEL AVIV
AMCONSUL JERUSALEM
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SUBJ: PRESIDENTIAL SUCCESSION PROCEDURE

REF: BEIRUT 3758

1. SUMMARY. THE LEBANESE CONSTITUTION PROVIDES THAT THE COUNCIL OF MINISTERS SHALL EXERCISE EXECUTIVE POWER UPON THE RESIGNATION OF AN INCOMBENT PRESIDENT UNTIL THE CHAMBER OF DEPUTIES ELECTS A NEW PRESIDENT. BASED ON THE RESIGNATION OF BISHARA AL-KHURI IN 1952, THE PRESIDENT BEFORE LEAVING OFFICE APPOINTS A MARONITE TO HEAD THE COUNCIL OF MINISTERS DURING THE PERIOD BETWEEN THE RESIGNATION OF THE INCUMBENT AND THE ELECTION OF THE NEW PRESIDENT. END SUMMARY.
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2. THE LEBANESE CONSTITUTION SPELLS OUT THE FOLLOWING PROCEDURES IN CASE OF THE RESIGNATION OF THE PRESIDENT OF THE REPUBLIC. (INFORMAL EMBASSY TRANLATION OF FRENCH TEXT.)

A. "ARTICLE 62. IN CASE OF A VACANCY IN THE PRESIDENCY OF THE REPUBLIC, FOR WHATEVER REASON, THE EXECUTIVE

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POWER IS EXERCISED ON AN INTERIM BASIS BY THE COUNCIL OF MINISTERS. . .

B. "ARTICLE 74. IN CASE OF VACANCY OF THE PRESIDENCY OF THE REPUBLIC BY DEATH, RESIGNATION OR ANY OTHER CAUSE, THE ASSEMBLY MEETS IMMEDIATELY AND BY RIGHT ELECTS A NEW PRESIDENT. IF AT THE TIME WHEN THE VACANCY OCCURS, THE CHAMBER FINDS ITSELF DISSOLVED, THE ELECTROAL COLLEGES ARE CONVOKED WITHOUT DELAY AND AS SOON AS THE ELECTIONS ARE COMPLETED THE CHAMBER MEETS BY RIGHT.

C. "ARTICLE 75. THE CHAMBER MEETING TO ELECT THE PRESIDENT OF THE REPUBLIC CONSTITUTES AN ELECTORAL COLLEGE AND NOT A DELIBERATIVE ASSEMBLY. IT MUST PROCEED UNIQUELY WITH NEITHER DELAY NOR DEBATE WITH THE ELECTION OF THE CHIEF OF STATE."

2. ONLY ONE PRESIDENT HAS RESIGNED WHILE IN OFFICE, BISHARA AL-KHURI. BEFORE RESIGNING ON SEPTEMBER 18, 1952, HE DIS-MISSED HIS SUNNI PRIME MINISTER SAE'B SALAM, AND APPOINTED A MARONITE PRIME MINISTER, FUAD SHIHAB, WHO PRESIDED OVER THE COUNCIL OF MINISTERS UNTIL SEPTEMBER 23, 1952 WHEN THE CHAMBER OF DEPUTIES ELECTED CAMILLE CHAMOUN AS THE NEW PRESIDENT.

3. COMMENT: CONTRARY TO STATEMENT PARA ONE REFTEL, THERE IS NO REPEAT NO REQUIREMENT THAT THE PRESIDENT
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BE ELECTED WITHIN THREE DAYS OF THE RESIGNATION OF HIS PREDECESSOR; RATHER, (ACCORDING TO TUENI) THE PRIME MINISTER MUST ASK FOR A MEETING OF PARLIAMENT WITHIN THREE DAYS OF THE PRESIDENT'S RESIGNATION. TUENI ALSO TOLD AMBASSADOR THAT IF SARKIS RESIGNED HE EXPECTED HE WOULD FIRST APPOINT A THREE-MAN INTERIM CABINET CONSISTING OF ONE MARONITE, ONE SUNNI AND ONE GREEK ORTHODOX TO EXERCISE INTERIM EXECUTIVE POWER, BUT WE CAN FIND NO CONSTITUTIONAL REQUIREMENT FOR THIS.
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